

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

3-H MARKET, et al.,

Case No. 1:21-cv-00542-DAD-SKO

Plaintiffs,

**ORDER DENYING WITHOUT  
PREJUDICE PROPOSED  
STIPULATED PROTECTIVE ORDER**

v.

UNITED STATES OF AMERICA,

(Doc. 20)

Defendant.

**I. INTRODUCTION**

On December 8, 2021, the parties filed a request seeking Court approval of their proposed stipulated protective order. (Doc. 20.) The Court has reviewed the proposed stipulated protective order and has determined that, in its current form, it cannot be granted. For the reasons set forth below, the Court DENIES *without prejudice* the parties' request to approve the stipulation and protective order.

**II. DISCUSSION**

**A. The Protective Order Does Not Comply with Local Rule 141.1(c)**

The proposed protective order does not comply with Rule 141.1 of the Local Rules of the United States District Court, Eastern District of California. Pursuant to Rule 141.1(c), any proposed protective order submitted by the parties must contain the following provisions:

- (1) A description of the types of information eligible for protection under the order, with the description provided in general terms sufficient to reveal the nature of the information (e.g., customer list, formula for soda, diary of a troubled child);
- (2) A showing of particularized need for protection as to each category of information proposed to be covered by the order; and
- (3) A showing as to why the need for protection should be addressed by a court order, as opposed to a private agreement between or among the parties.

1 Local Rule 141.1(c). The stipulated protective order fails to contain some of this required  
2 information.

3 Local Rule 141.1(c)(1) requires “[a] description of the types of information eligible for  
4 protection under the order, with the description provided in general terms sufficient to reveal the  
5 nature of the information.” The protective order, in its current form, does not comply with this  
6 requirement. (*See, e.g.*, Doc. 20 at 1–2 (indicating that Defendant will designate certain documents  
7 that “include personal identifiable information and/or other confidential information not appropriate  
8 for public dissemination” as “PROTECTED/CONFIDENTIAL”).)

9 In addition, the protective order also fails to identify the parties’ need for protection in  
10 anything but the most general terms. (*See id.*) As the parties do not present any *particularized* need  
11 for protection as to the identified categories of information to be protected, the protective order fails  
12 to comply with Local Rule 141.1(c)(2), which requires “[a] showing of particularized need for  
13 protection as to each category of information proposed to be covered by the order.”

14 **B. The Parties’ Stipulated Protective Order is Denied Without Prejudice**

15 The parties may re-file a revised proposed stipulated protective order that complies with  
16 Local Rule 141.1(c) and corrects the deficiencies set forth in this order.

17 **III. CONCLUSION AND ORDER**

18 Based on the foregoing, IT IS HEREBY ORDERED that the parties’ request for approval of  
19 their proposed Stipulated Protective Order (Doc. 20) is DENIED without prejudice to renewing the  
20 request.

21  
22 IT IS SO ORDERED.

23 Dated: December 13, 2021

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE